

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

HUDSON INSURANCE CO.,

Plaintiff,

-v-

GM MECHANICAL, INC., et al,

Defendants.

Case No. 3:12-CV-276

Judge Thomas M. Rose

**ORDER REQUIRING DEFENDANT LIMITED LIABILITY COMPANIES
TO INFORM THE COURT NOT LATER THAN OCTOBER 9, 2012, OF
THE NAME AND CITIZENSHIP OF EACH MEMBER OR THAT THEY
ARE CORPORATIONS**

The Complaint filed in this matter identifies five (5) entities as both LLCs and corporations. They are Julisa, LLC, Robb Properties LLC, GEM Properties LLC, Miami Equipment LLC and J&I Properties LLC.

The Complaint indicates that this Court has subject matter jurisdiction based upon diversity of citizenship. However, this Court is unable to determine if it has the power to adjudicate this matter.

Some of the Defendants in this matter may be LLCs, and subject matter jurisdiction is based upon diversity of citizenship. Thus, for diversity of citizenship to exist, the Plaintiff's citizenship must be diverse from the Defendant LLCs' citizenships.

The Complaint indicates that the Defendant LLCs have their principle places of businesses in Ohio. The Plaintiff pleads that its citizenship is in New York. But this is not enough information for the Court to determine if diversity of citizenship exists.

“The general rule is that all unincorporated entities - of which a limited liability company

is one - have the citizenship of each partner or member.” *Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). Thus, without confirming the citizenship of each member of the Defendant limited liability companies or confirming that the Defendant limited liability companies are corporations, the Court cannot confirm that it has subject matter jurisdiction to proceed. Therefore, Defendants Julisa, LLC, Robb Properties LLC, GEM Properties LLC, Miami Equipment LLC and J&I Properties LLC are each given until not later than October 9, 2012, to inform the Court of the name and citizenship of each member or, in the alternative, inform the Court that they are a corporation.

DONE and **ORDERED** in Dayton, Ohio this Twenty-Fifth Day of September, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record